

## **REMARKS**

### **I. Status of Claims**

Claims 18, 19, and 21-32 are currently pending in this application. No claim is amended or cancelled in this Reply.

Claims 18, 19, 21, 22, and 24-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aho (US 2001/0005675) in view of Gupta et al. (U.S. Patent No. 6,657,667).

Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Aho (US 2001/0005675) in view of Gupta et al. (U.S. Patent No. 6,657,667), as applied to claim 22, and further in view of Dorenbosch et al. (US 2003/0217174).

### **II. Rejections under 35 USC § 103(a)**

Claims 18, 19, 21, 22, and 24-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aho (US 2001/0005675, henceforth Aho) in view of Gupta et al. (U.S. Patent No. 6,657,667, henceforth Gupta).

The subject-matter of the independent claims 18 and 32 is non-obvious over Aho, even in view of the additional reference Gupta, cited by the Examiner.

Presently pending claim 18 claims a method for transmitting a useful data object from a switching component to a mobile station, wherein the mobile station selects at least one communication network in which the useful data object is to be transmitted, using a selection device, which is assigned to the mobile station, and storing the selected communication network in a storage unit, which is also assigned to the mobile station, and wherein the useful data object is transmitted from the switching component to the mobile station when it is determined that the mobile station is registered in the at least one selected communication network, and it is determined that the switching component has a delivery request for the useful data object.

This means that, in accordance with the subject-matter of presently pending claim 18, the defining and storing of rules for the transmission of a useful data object and rules for managing the transmission of the useful data object are provided as set by each user individually by providing a new system architecture in which “the mobile station selects, with the aid of a selection device, the selection device being assigned to the mobile station, and stores in a storage unit assigned to the mobile station at least one communication network in which the useful data object is to be transmitted”.

The subject-matter of presently pending claim 18 further includes “transmitting the useful data object from the switching component to the mobile station”, i.e., by way of example, transmitting a multimedia message in the downlink direction from the network to the mobile station, e.g. downloading a useful data object offered by the switching component.

Thus, a user can set the user agent such that a useful data object is generally transmitted in a selected network from the switching component to the mobile station, the user can determine beforehand that a useful data object is to be transmitted from the switching component e.g. depending on the specific size or nature of the useful data object, the transmission time necessary, the sender of the message or the price of the transmission [cf. description par. [0011], [0043]]. According to presently pending claim 18, the useful data object is transmitted “from the switching component to the mobile station when it is determined that the mobile station is registered in the at least one selected communication network, and it is determined that the switching component has a delivery request for the useful data object”, i.e. in a downlink direction, if the conditions set by the user in the mobile station are met.

In contrast to the subject-matter of presently pending claim 18, as stated by the Examiner, Aho does not disclose that the at least one communication network in which the useful data object is to be transmitted is selected at the mobile station, with aid of a

selection device being assigned to the mobile station, and stored in a storage unit assigned to the mobile station.

Gupta, though, fails to cure the deficiencies of Aho. According to Gupta, a user equipment can operate to construct messages for communication to the network equipment, which messages specify one of the circuit switch domain and the packet switch domain for the service, and transmit the constructed message to the base (cf. Gupta, col. 2, lines 38-42). Gupta discloses a method for informing a user equipment of the resources available at a location, comprising transmission of domain, application and/or service availability information for the location (cf. Fig. 3, col. 3, lines 62-67). This information, according to Gupta, is communicated to the user through a menu display system so that the user can select the service (cf. col. 4, lines 5-7).

According to Gupta, the user then manually selects the preferred domain, which information will be communicated to the UMTS terrestrial access network, and the message is constructed and transmitted with the identified domain information (cf. Fig. 4, col. 4, lines 62-67). Thus, the message to be transmitted, according to Gupta, is sent from the user equipment to the UTRAN, i.e. in an uplink direction. This is further emphasized by the description (cf. col. 7, lines 7-18), stating that the “invention can be applied to the 3GPP system by further specifying that the uplink handling of the core network domain indicator will be as follows. (...) the user equipment will select the domain. This will be used by the core network domain indicator in all of the radio resource control direct transfer messages from the user equipment to the servicing radio network controller.” From the above it is clear that Gupta is directed to a different technical scenario and does not solve the problem solved by the subject-matter of presently pending claim 18.

In contrast to the method according to Gupta, the subject-matter of presently pending claim 18 claims the mobile station selecting at least one communication network with the aid of a selection device, storing the at least one communication network in which the useful data object is to be transmitted, and transmitting the useful data object

from the switching component to the mobile station when it is determined that the mobile station is registered in the at least one selected communication network.

Moreover, according to Gupta, a core network domain is selected for a particular message or session, wherein this selection can be automatic based on programmed user preferences stored by the user or the service provider or the user may manually select it, but the home location register for the user equipment stores the information associated with the user equipment in the circuit switch location and the packet switch location (cf. Gupta col. 4, lines 49-53). In contrast thereto, according to the subject-matter of presently pending claim 18, the mobile station selecting the at least one communication network additionally stores in a storage unit assigned to the mobile station the selected communication network.

Additionally, Gupta discloses that the UTRAN can override the requested domain, wherein, if the UTRAN overrides the selected domain, the service can be directed to another domain or the session or message can be aborted, a decision that may be made based upon operator-configured parameters (cf. Fig. 5, col. 5, lines 4-19). In contrast thereto, according to the subject-matter of presently pending claim 18, the useful data object is transmitted from the switching component to the mobile station when it is determined that the mobile station is registered in the at least one selected communication network, and it is determined that the switching component has a delivery request for the useful data object, i.e. without the switching component or any other network component being able to override the selection made by the user.

Furthermore, according to Gupta, decision making with respect to which domain of the core network is to be used by the operator to start a communication session or transmit a message from the user equipment to the network involves both user equipment and the servicing radio network controller (cf. Gupta col. 6, lines 18-28), whereas according to presently pending claim 18, the mobile station selects, with the aid of a selection device at least one communication network, in which the useful data object is to

be transmitted from the switching component to the mobile station, wherein the selection device is assigned to the mobile station.

Thus, Gupta neither discloses nor suggests implementing the mobile station selecting, with the aid of a selection device, the selection device being assigned to the mobile station, and storing in a storage unit assigned to the mobile station at least one communication network in which the useful data object is to be transmitted, and transmitting the useful data object from the switching component to the mobile station when it is determined that the mobile station is registered in the at least one selected communication network, and it is determined that the switching component has a delivery request for the useful data object, as is claimed in presently pending claim 18.

In other words, even if a skilled person combined the references, the combination would fail to meet the limitations of claim 18, since the combination of Aho and Gupta would lack at least selecting and storing of a selected communication network in the mobile station MS itself outside the communication network, and transmitting the useful data object from the switching component to the mobile station according to the selection made before.

For the reasons given above, the subject-matter of presently pending claim 18 is non-obvious over Aho in view of Gupta.

The analogue argumentation holds for the subject-matter of presently pending claim 32.

Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Aho in view of Gupta, as applied to claim 22, and further in view of Dorenbosch et al. (US 2003/0217174, henceforth Dorenbosch).

Claim 23 is indirectly dependent on independent claim 18, and recites further limitations. The subject-matter of dependent claim 23 is non-obvious over Aho, even in view of the additional references Gupta and Dorenbosch, cited by the Examiner.

Dorenbosch also fails to cure the deficiencies of Aho. In particular, Dorenbosch discloses a method and apparatus for establishing an internet protocol (IP) session between a host using SIP (session initiation protocol) and a device without an IP address. According to this method, the mobile station is induced to setting up a PDP (packet data protocol)-context that includes obtaining an IP address in a fashion that is transparent to the host and most of the communication system. Dorenbosch teaches that a registrar, which is a communication network entity, notifies the mobile station MS that the mobile station has registered in one of the selected communication networks, when it is determined either by the switching device component or by the assigned communication device that the mobile station MS has registered in one of the selected communication networks. (cf. Dorenbosch, abstract and paragraphs 12, 15, and 26).

In Dorenbosch, the registrar, working as determination device, is part of the communication network that forms the active context of the mobile station MS.

However, Dorenbosch fails to disclose that the "the mobile station selects, with the aid of a selection device, the selection device being assigned to the mobile station, and stores in a storage unit assigned to the mobile station at least one communication network in which the useful data object is to be transmitted", as claimed in claim 18.

Thus, even if a skilled person combined the references, the combination would fail to meet the limitations of claim 18 as discussed above. Further combination with Dorenbosch fails to cure the deficiencies of Aho in view of Gupta with respect to claim 18. Therefore, since claim 23 depends from claim 18, it is patentable over combination of Aho, Gupta, and Dorenbosch for at least the same reasons.

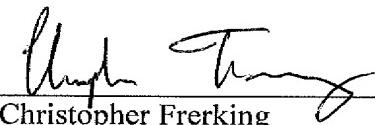
Claims 19, 21, 22, and 24-31 are directly or indirectly dependent on independent claim 18 and recite further limitations. Thus, the subject-matter of these claims is believed to be inventive over the cited prior art for at least the same reasons.

IV. Conclusion

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and allowance of the pending claims.

Dated: September 18, 2009

Respectfully Submitted,

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